



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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TECHNICAL STAFF REPORT
Petition Accepted on January 12, 2007
Planning Board Meeting of March 22, 2007
County Council Hearing to be scheduled

Case No./Petitioner: ZRA-80 – Courtney Watson, Councilperson

Request: To amend Section 131.F. of the Zoning Regulations to require that individuals petitioning for conditional uses conduct the required pre-submission meetings in public or institutional buildings near the proposed development site.

Department of Planning and Zoning Recommendation:
APPROVAL WITH MODIFICATION

1. DESCRIPTION OF PROPOSAL

- The Petitioner proposes an amendment to section 131.F. of the Zoning Regulations to require that individuals petitioning for Conditional Uses conduct the required pre-submission community meetings in public or institutional buildings near the proposed development site.
- The reason for the amendment is to make the pre-submission community meeting requirements for conditional uses consistent with the pre-submission community meeting requirements for residential subdivisions or site development plans adopted via Council Bill No. 4-2007 and with requirements that will be proposed for the zoning board. The goal of the proposed changes is to maximize citizen participation in the conditional use process.
- The proposed amendment would add text to Section 131.F. as follows (CAPITALS indicate text to be added):

F. Pre-Submission Community Meeting, Petition and Public Hearing

1. A pre-submission community meeting is required prior to the initial submittal of a petition for a conditional use according to the following procedures:
 - a. The Petitioner shall provide at least 2 weeks' written notice regarding the date, time, and location of the pre-submission community meeting to:
 - (1) All adjoining property owners as identified in the records of the Maryland Department of Assessments and Taxation, by mail; and
 - (2) The Department of Planning and Zoning, which will place the meeting notice on the Department's web site.

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- b. The meeting shall be:
 - (1) Held at a location within the community, [[preferably]] in a public or institutional building LOCATED WITHIN APPROXIMATELY 5 MILES OF THE SUBJECT PROPERTY; and
 - (2) Scheduled to start between 6 p.m. and 8 p.m. on a weekday evening, or to be held between 9 a.m. and 5 p.m. on a Saturday, excluding county holidays and other holidays determined in Section 16.205(d) of the Howard County Code.

THE MEETING MAY BE HELD AT A LOCATION THAT DOES NOT SATISFY (B)(1) UPON WRITTEN APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING.

- c. The petitioner shall post the property with posters provided by and at locations specified by the Department of Planning and Zoning and shall make a reasonable effort to maintain the posters for at least the 2 weeks immediately prior to the meeting.
- d. A certification of notice and posting and a summary of the issues expressed by residents at the pre-submission community meeting shall be transmitted by the petitioner to the Department of Planning and Zoning when the initial petition is filed.
- e. The purposes of the pre-submission community meeting are to allow the petitioner to provide information to the community regarding the proposed conditional use and to allow community residents to ask questions and discuss any issues they have concerning the proposal.
- f. If the petitioner does not submit the petition to the Department of Planning and Zoning within 1 year of the pre-submission community meeting, the petitioner shall hold another pre-submission community meeting, subject to the same notification and posting requirements as the first pre-submission community meeting.

II. EXISTING REGULATIONS

Currently, in the pre-submission community meeting requirements of the Zoning Regulations, the meeting may be held an unspecified distance from the subject property of the proposal.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- The proposed amendment would require that the pre-submission community meeting be held in a building limited to a maximum distance of approximately 5 miles from the proposed property site.
- The proposal also provides that the meeting may be held at a location that does not satisfy the condition of holding the meeting within the maximum distance of 5 miles from the proposed property upon written approval by the Department of Planning and Zoning.
- The proposal would amend the existing regulations to limit the distance a pre-submission community meeting will be held from the proposed development site. In addition, by removing “preferably” from the wording of the current requirement that the meeting be held at a location within the community preferably in a public or institutional building, the proposed amendment ensures that the meeting will be held inside of a building.

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- This amendment, except as noted below, would be in harmony with the Howard County General Plan Policy 5.20, “Improve communication between citizens and County agencies and encourage active, sustained public participation”.
- Chapter 5 of the General Plan discusses effective, inclusive citizen participation in the community planning process. The proposal would ensure that pre-submission community meetings are accessible to citizens by defining a distance within the community in which meetings can occur. The proposal is supported by the General Plan.
- The Department of Planning and Zoning would recommend that the language in the unnumbered paragraph following Section F.1.b.(2), “THE MEETING MAY BE HELD AT A LOCATION THAT DOES NOT SATISFY (B)(1) UPON WRITTEN APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING” be eliminated from the proposal. This portion of the proposal was deleted from the amendments adopted via Council Bill No. 4-2007 because the language would be subject to interpretation and opinion and would not be supported by General Plan policies to establish effective communication between citizens and County agencies.

B. Relation to the Zoning Regulations

- The proposal, except as noted below, would add new language to the Zoning Regulations to limit the distance a pre-submission community meeting may be held from the proposed development site. It would also remove any ambiguity that the meeting will be held inside a building. The proposal applies only to the requirements of the pre-submission community meeting for conditional uses.
- The proposal, except as noted below, would be supported by General Plan policies to establish an effective, inclusive community planning process and improve communication between citizens and County agencies and encourage active, sustained public participation.

C. Agency Comments

The following agency had no objections to the amendments as proposed:

1. Bureau of Environmental Health

V. RECOMMENDATION APPROVAL WITH MODIFICATION

For the reasons noted above, the Department of Planning and Zoning recommends that the request to amend Section 131.F. of the Zoning Regulations to require that individuals petitioning for conditional uses conduct the required pre-submission meetings in public or institutional buildings located within approximately five miles of the subject property be APPROVED, except that the language in the unnumbered paragraph following Section F.1.b.(2), "THE MEETING MAY BE HELD AT A LOCATION THAT DOES NOT SATISFY (B)(1) UPON WRITTEN APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING" be eliminated.

 3/12/07
Marsha McLaughlin, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.